

REMARKS

The present paper is responsive to the Office Action mailed April 20, 2006. By the present paper, no claims are amended and no claims are cancelled. Accordingly, claims 66 to 81 are in the Application.

The Office Action rejects claims 1 - 64. But these claims were cancelled by Preliminary Amendment of March 1, 2004. According to public PAIR the Preliminary Amendment is entered in the file. Because the Office Action rejects claims not in the Application, Applicants cannot be certain which claims the Examiner's comments are directed to and, accordingly, do not have a fair chance to respond. Reissue of the Office Action with argument, if any, directed to the claims in the Application is earnestly solicited.

Applicants respectfully submit that an extension of time to reply should *not* be required. Nevertheless, out of an abundance of caution, Applicants petition for an extension of time below.

The forgoing notwithstanding, Applicants offer the following remarks with respect to art cited in the Office Action in order to make as full a response as possible under the circumstances in a *bona fide* attempt to advance prosecution of the Application.

Montoro et al., WO '553, discloses an anhydrous form of valacyclovir hydrochloride (Val•HCl) made by slurring Val•HCl (made *in situ*) in slurry in methanol/water, ca 10:2, v:v (the water being supplied by the 15% HCl used to salify the Val). Applicants do not claim an anhydrous material or a method of making anhydrous material.

According to Applicants' best understanding, United States Patent 6,107,302, and published PCT Application WO 97/25989 appear to teach essentially the same method for obtaining Val•HCl and whatever crystalline form may be disclosed by the two references is most likely the same. At column 1, line 55, the '302 patent plainly describes the product therein disclosed as an "anhydrous crystalline form". Applicants do not claim an anhydrous form of Val•HCl.

Entry of the amendments and allowance of the claims are earnestly solicited.

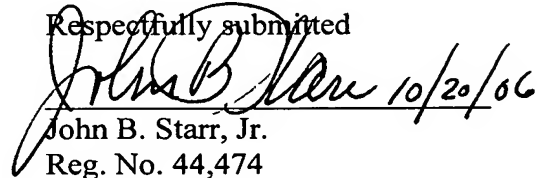
REQUEST FOR EXTENSION OF TIME

Applicants respectfully request an extension of time of THREE MONTHS, the fee for which is paid herewith.

AUTHORIZATION TO DEBIT DEPOSIT ACCOUNT

Commissioner is hereby authorized to debit Deposit Account 11-0600 for \$1,020 for the fee due under 37 C.F.R. § 1.17. Applicants respectfully submit that no additional fee is due. If an additional fee is due the Commissioner is authorized to debit Deposit Account 11-0600 for any such additional fees.

Respectfully submitted

 10/20/06
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